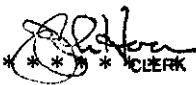


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED

JUN 28 2007


J. Haas
CLERK

CARL A. LEACRAFT,

CIV. 06-4086

Plaintiff,

vs.

ORDER

BRANDON P.D.;
WAYNE ELLINGSON, Sgt.;

Defendants.

Plaintiff brings this prisoner civil rights action pursuant to 42 U.S.C. § 1983. The Magistrate Judge issued a Report and Recommendation recommending that the Complaint be dismissed for failure to state a claim upon which relief can be granted.

Plaintiff filed no objections to the Report and Recommendation. After conducting an independent review of the record, the Court agrees with the Magistrate Judge. Accordingly,

IT IS ORDERED that:

1. The Report and Recommendation (Doc. 8) is ADOPTED.
2. Plaintiff's complaint is dismissed, without prejudice, for failure to state a claim upon which relief can be granted, each party to pay their own costs.

Dated this 28th day of June, 2007.

BY THE COURT:



Lawrence L. Piersol

United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

By: Shelly Margulies, Deputy
(SEA)